

**AN ORDINANCE BY  
CITY UTILITIES COMMITTEE**

**AN ORDINANCE TO ACCEPT A PERMANENT CONSTRUCTION EASEMENT AND THE NECESSARY RIGHTS-OF-WAY FROM VARIOUS PROPERTY OWNERS FOR THE INSTALLATION OF NEW PERMANENT TRAFFIC SIGNALIZATION ALONG THE DETOUR ROUTE FOR THE HOLLYWOOD ROAD BRIDGE REPLACEMENT PROJECT; TO AUTHORIZE THE MAYOR TO NEGOTIATE WITH AFFECTED PROPERTY OWNERS AND TO USE ALL MEANS NECESSARY TO ACQUIRE NECESSARY PROPERTY INTERESTS UP TO AND INCLUDING CONDEMNATION PROCEEDINGS AND TO AUTHORIZE THE CITY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS PURSUANT TO THE DECLARATION OF TAKING METHOD AUTHORIZED BY O.C.G.A SECTION 32-3-4 IN AN AMOUNT NOT TO EXCEED TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000.00) WHICH WILL COME FROM IMPACT FEES CHARGED TO DEVELOPERS; ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBERS 3502 7\*\*\*\*\* 130308 \*\*\*\*\*; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta ("City") and the Norfolk Southern Railway Company ("Railroad") have agreed to improve and reconstruct the bridge located between Perry Boulevard and Burtz Street, which carries Hollywood Road over the Railroad's right-of-way; and

**WHEREAS**, this will cause the temporary closure of a portion of Hollywood Road to permit the construction of the new bridge; and

**WHEREAS**, new traffic signals, which will require necessary rights-of-way, will be placed along the detour route at the intersections of Browntown Road and Hollywood Road, and James Jackson Parkway and Peyton Road; and

**WHEREAS**, it is necessary to acquire permanent construction easements and necessary rights-of-way from various property owners for the installation of new permanent traffic signalization along the detour route for the Hollywood Road Bridge Replacement Project; and

**WHEREAS**, Georgia State Law, O.C.G.A. § 32-3-4 authorizes the use of Declaration of Taking as a method of condemnation whenever a municipality desires to take private property for public road purposes or for any other public transportation purposes; and

**WHEREAS**, use of Declaration of Taking as a method of condemnation would expedite the acquisition of easement rights and possession of property interests necessary for the timely completion of these projects which involves road and transportation improvements; and

**WHEREAS**, state law requires a finding by a municipality that circumstances necessitate the use of Declaration of Taking before such method of condemnation can be used by a municipal government; and

**WHEREAS**, in order to complete the proposed projects in a timely fashion the requirements of Sections 2-1541 (d) and 2-1545 (d) of the Procurement and Real Estate Code which require further authorization of Council for acquisition of permanent and temporary easements and necessary rights-of-way described in this ordinance are waived.

**WHEREAS**, funds to acquire necessary right-of-way for this project will come from impact fees charged to developers due to increased demands on the City's infrastructure, which causes higher usage of city services; and

**WHEREAS**, all contracted work will be charged to and paid from Fund Department Organization and Account numbers: 3502 7\*\*\*\*\* 130308 \*\*\*\*\* in an amount not to exceed Two Hundred Fifty Thousand Dollars (\$250,000.00).

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:**

**Section 1:** That the Chief Procurement Officer is hereby authorized to negotiate with the affected property owners to acquire temporary or permanent construction easements and the necessary rights-of-way, and other related property interests necessary to complete installation of a traffic signal for the Hollywood Road Bridge Replacement Project.

**Section 2:** That the use of Declaration of Taking as a method of condemnation be utilized, if necessary, to expedite the acquisition of easement rights and possession of property interests necessary for the timely completion of this project which involves road and transportation improvements.

**Section 3:** That in order to complete the proposed projects in a timely fashion that requirements of Sections 2-1541 (d) and 2-1545 (d) of the Procurement and Real Estate Code with require further authorization of Council for acquisition of permanent and temporary easements and the necessary rights-of-way described in this ordinance are waived.

**Section 4:** That the Chief Procurement Officer is hereby authorized to obtain title reports, appraisal reports, land surveys, legal descriptions, environmental reports and to negotiate with the affected property owners; where the Chief Procurement Officer's negotiations with the owners are unsuccessful, to institute necessary legal action through condemnation or any other method provided by law to acquire the property interests needed to complete the Hollywood Road Bridge Replacement Project.

**Section 5:** That all contracted work will be charged to and paid from Fund Department Organization and Account numbers: 3502 7\*\*\*\*\* 130308 \*\*\*\*\* in an amount not to exceed Two Hundred Fifty Thousand Dollars (\$250,000.00)

**Part II: Legislative White Paper:** (This portion of the Legislative Request Form will be shared with City Council members and staff)

**A. To be completed by Legislative Counsel:**

**Committee of Purview:** City Utilities Committee

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**Council Meeting Date:** June 16, 2008

**Requesting Dept.:** Department of Public Works

**B. To be completed by the department:**

**1. Please provide a summary of the purpose of this legislation (Justification Statement).**

The purpose of this legislation is to allow the City of Atlanta to negotiate and acquire right-of-way necessary for the Hollywood Road Bridge Replacement Project.

**2. Please provide background information regarding this legislation.**

The Norfolk Southern Railroad intends to improve and reconstruct the Hollywood Road Bridge where it crosses the tracks of Railroad as part of a track extension. The City and the Railroad have agreed to cooperate to provide for the construction of a bridge structure and associated roadway approaches which will carry the City's Hollywood Road over the Railroad's right-of-way and tracks. The Railroad will prepare plans, specifications and special provisions relating to the proposed construction of the Bridge and submit the same to the City for its approval. The Railroad will construct the Bridge, together with associated roadway approaches, all in accordance with said plans, specifications, special provisions, as approved by City. The City agrees to furnish all traffic detours, excluding signalization. The City will also acquire right-of-way, including condemnation if

necessary, for traffic signalization and intersection improvements associated with the detour.

The City, through its Department of Watershed Management, also agrees to permit the temporary removal of the existing water line, presently carried by the existing ridge to be demolished, to arrange for its temporary diversion to that portion of the Bridge to be installed in the first phase of the construction, if that is required, to install a new water line at the specified plan location and to remove any temporary water line from the new structure that may have been required by the work, at no expense to the Railroad.

**3. If Applicable/Known:**

(a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):** Interagency Agreement

(b) **Source Selection:** N/A

(c) **Bids/Proposals Due:** N/A

(d) **Invitations Issued:** N/A

(e) **Number of Bids:** N/A

(f) **Proposals Received:** N/A

(g) **Bidders/Proponents:** N/A

(h) **Term of Contract:** N/A

4. **Fund Account Center:** N/A

5. **Source of Funds:** Impact Fees

6. **Fiscal Impact:** This legislation will result in a reduction in the amount of \$250,000.00

7. **Method of Cost Recovery:** N/A

**This Legislative Request Form Was Prepared By:** Allen Johnson

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Soraya Belgrave

Contact Number: (404) 330-6002

Originating Department: Department of Public Works

Committee(s) of Purview: City Utilities Committee

Chief of Staff Deadline: May 14, 2008

Anticipated Committee Meeting Date(s): May 27, 2008

Anticipated Full Council Date: June 16, 2008

Legislative Counsel's Signature: Saul Schultz

Commissioner Signature: [Signature]

Chief Procurement Officer Signature: \_\_\_\_\_

CAPTION

AN ORDINANCE TO ACCEPT A PERMANENT CONSTRUCTION EASEMENT AND THE NECESSARY RIGHTS-OF-WAY FROM VARIOUS PROPERTY OWNERS FOR THE INSTALLATION OF NEW PERMANENT TRAFFIC SIGNALIZATION ALONG THE DETOUR ROUTE FOR THE HOLLYWOOD ROAD BRIDGE REPLACEMENT PROJECT; TO AUTHORIZE THE MAYOR TO NEGOTIATE WITH AFFECTED PROPERTY OWNERS AND TO USE ALL MEANS NECESSARY TO ACQUIRE NECESSARY PROPERTY INTERESTS UP TO AND INCLUDING CONDEMNATION PROCEEDINGS AND TO AUTHORIZE THE CITY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS PURSUANT TO THE DECLARATION OF TAKING METHOD AUTHORIZED BY O.C.G.A SECTION 32-3-4 IN AN AMOUNT NOT TO EXCEED TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000.00) WHICH WILL COME FROM IMPACT FEES CHARGED TO DEVELOPERS; ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBERS 3502 7\*\*\*\*\* 130308 \*\*\*\*\*; AND FOR OTHER PURPOSES.

Mayor's Staff Only

Received by CPO: \_\_\_\_\_ Received by LC from CPO: \_\_\_\_\_  
(date) (date)

Received by Mayor's Office: 5-14-08 [Signature] Reviewed by: [Signature]  
(date) (date)

Submitted to Council: \_\_\_\_\_